IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21990 of 2004

Between:

G.V.S.Narayana S/o.Sivarama Krishna
Peddapuram, East Godavari Dist.

..... PETITIONER

AND

1 Govt of A,P., Law Department rep by its Secretary,
Secretariat, Hyderabad.
2 The District Collector
Kakinada, East Godavari Dist.
3 Paidipalli.Suryanarayana Murty S/o.Suryanarayana Murty
Ramarao Pet, Peddapuram,
East Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or more particularly one in the nature of writ of Mandamus declaring the action of 1st Respondent in issuing the G.O.Rt.No.1908 Law (L) Dept Dt 09-11-04 and consequential proceedings Ref.F3/1953/2004, dt 20/11/2004 of the 2nd Respondent in appointing the 3rd Respondent as Assistant Government pleader as illegal arbitrary and violative of Articles 14,16 and 21 of the Constitution of India and further declare that the petitioner is entitled for appointment as Assistant Government pleader, Peddapuram, East Godavari Dist for senior and junior civil judge's court.

Counsel for the Petitioner:MR.M.VIJAY KUMAR

Counsel for the Respondents 1 and 2: GP FOR LAW & LEGISLATIVE

AFFAIRS

The Court at the stage of admission made the following ORDER:

Petitioner is a practising advocate. His name, along with certain others, was recommended in the panel for the purpose of appointment of Assistant Government Pleader for the Courts in Peddapuram. The name of the third respondent was also included therein. The petitioner contends that he is far senior to the third respondent and after verification of his abilities, respondents 1 and 2 have almost finalized his name, but on account of certain extraneous reasons, the proposal to appoint him as Assistant Government Pleader did not materialize, whereas the third respondent was appointed through orders in G.O.Rt.No.1908 Law (L) Department, dated 09.11.2004. The petitioner challenges the same on several grounds.

Heard learned counsel for the petitioner and learned Government Pleader for Law & Legislative Affairs.

The writ petition came up for admission on 30.11.2004. The learned Government Pleader took time to obtain instructions and to produce the record and the record has been produced before this Court.

The names of the petitioner and the third respondent were recommended by the Judicial Officer concerned, for the purpose of appointment of an Assistant Government Pleader for the Courts at Peddapuram. The appointments are required to be made in accordance with the procedure contained in G.O.Ms.No.187, Law, Dated 06.12.2000. It hardly needs any emphasis that it is always competent for the Government to choose its own advocates, as is for any other individual or company. With a view to ensure fairness and objectivity in the matter, it had framed the guidelines and prescribed the procedure. As

long as the procedure is followed, no individual can insist that he is entitled tobe appointed as a Government Pleader or take exception to the appointment of another person.

Having regard to the specific allegation made by the petitioner that his name was approved by the first respondent and it was changed at the last minute, this Court directed the learned Government Pleader to produce the record. The record discloses that the contention of the petitioner is not correct. Even assuming that the name of the petitioner was under active consideration or was, in fact, carried to the stage of finality, what becomes relevant in the context of such appointment is the final decision and not the exercise that is undertaken before it. This Court does not find any illegality or irregularity in the appointment of the third respondent.

Hence, the writ petition is dismissed. No order as to costs.

13.12.2004

ksld

To

1 Govt of A,P., Law Department rep by its Secretary,
Secretariat, Hyderabad.

2 The District Collector
Kakinada, East Godavari Dist.

3 Two CCs. to the G.P. for Law & Legislative Affairs, High Court of

A.P., Hyderabad (OUT).

4 Two CD copies.